

REMARKS

1. Introduction

In the Office Action mailed November 6, 2006, the Examiner rejected claims 1-11 and 18-23 under 35 U.S.C. § 103(a) as being unpatentable over Mosher et al., U.S. Pub. No. 2002/0099790 (“Mosher”) in view of Gourraud et al., U.S. Pub. No. 2002/0103881 (“Gourraud”),

The Examiner rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Mosher in view of Gourraud and further in view of Iida, U.S. Patent No. 6,952,279 (“Iida”).

The Examiner rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Mosher in view of Gourraud and further in view of Oishi et al., U.S. Patent No. 6,779,195 (“Oishi”).

In response, Applicant has amended claim 22 and canceled claim 23. Claims 12-17 were canceled previously. Thus, claims 1-11, 18-22, and 24-25 are currently pending.

For the reasons set forth below, Applicant requests reconsideration and allowance of the claims, as amended herein.

3. Response to Claim Rejections

a. Claims 1-11

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 103(a) as being unpatentable over Mosher in view of Gourraud. In response, Applicant submits that this rejection is improper and should be withdrawn because the Mosher/Gourraud combination does not teach each and every element in claim 1, as set forth below.

Claim 1 recites, *inter alia*, “presenting on the wireless handset a set of choices indicating transmission modes for streaming media content to the wireless handset, wherein the set of choices is tailored based on at least one presentation capability of the wireless handset.” The Examiner has acknowledged that Mosher does not disclose that the set of choices is ***tailored*** based on at least one presentation capability of the wireless handset. *See* Office Action, p. 4. Instead, the Examiner has relied on Gourraud for this element, specifically citing paragraphs 32 and 38 of Gourraud. However, neither paragraph discloses a tailored set of transmission modes.

Paragraph 32 discloses that the user is able to choose one or more programs, such as programs P1 and P2, to be viewed or listened (action 100 in Figure 4). However, this list of ***programs*** is not “a set of choices indicating ***transmission modes*** for streaming media content to the wireless handset,” as recited in claim 1. Instead, paragraph 32 describes streaming the selected program toward the terminal using the RTP protocol (action 106 in Figure 4). This RTP transmission mode does not appear to have been one of a set of choices presented on the terminal. Thus, paragraph 32 discloses presenting a choice of ***programs***, not a choice of ***transmission modes***. Further, even if the choice of programs P1 and P2 could, somehow, be viewed as a choice of transmission modes, paragraph 32 does not disclose that the choice of programs is ***tailored*** based on at least one presentation capability of the terminal. If the Examiner believes otherwise, the Examiner is respectfully requested to point out the specific disclosure that the Examiner believes discloses a tailored set of choices.

Paragraph 38 discloses that the user can select one or more programs to be downloaded and executed (viewed or listened to) on SIP terminal 52 (action 100 in Figure 5). Again, the user is presented with a choice of ***programs***, not a choice of ***transmission modes***, and the set of choices is not ***tailored*** based on at least one presentation capability of the terminal.

The lack of a tailored set of choices in paragraph 38 is clearly demonstrated by the fact that SIP terminal 52 transmits preferred communication parameters *after* the programs are selected. In particular, after the user selects one or more programs, SIP terminal 52 sends a program request to service provider 60 (action 102 in Figure 5). Two steps later (action 202 in Figure 5), SIP terminal 52 sends a 200 OK message that may comprise a Session Description Protocol (SDP) identification of “the user’s terminal 52 preferred communication parameters, such as for example but not limited to the type of media (e.g., video, audio, etc) and the required codec.” SDP is further used to negotiate communication parameters for transmission until common communication parameters are found. The content provider then begins streaming to SIP terminal 52 (action 214 in Figure 5).

The fact that SIP terminal 52 sends preferred communication parameters *after* the programs are selected indicates that the choice of programs presented on SIP terminal 52 was not a choice of *transmission modes* and was not *tailored* based on the capabilities of SIP terminal 52. If the Examiner believes otherwise, the Examiner is respectfully requested to point out the specific disclosure that the Examiner believes discloses a tailored set of choices.

Accordingly, Applicant submits that claim 1 is allowable over Mosher and Gourraud for at least the foregoing reasons. Applicant further submits that claims 2-11 are allowable for at least the reason that they depend from an allowable claim.

b. Claim 18

Of these claims, claim 18 is independent. The Examiner has rejected claim 18 under § 103(a) as being unpatentable over Mosher in view of Gourraud. In response, Applicant submits that this rejection is improper and should be withdrawn because the Mosher/Gourraud combination does not teach each and every element in claim 18, as set forth below.

Claim 18 recites, *inter alia*, “transmission-choice logic stored in the data storage and executable by the processor (i) to present on the screen display a set of choices indicating available transmission modes for streaming media to the wireless handset, wherein the available transmission modes are based at least in part on a presentation capability of the wireless handset.” As noted above for claim 1, the Examiner has acknowledged that Mosher does not disclose a set of choices tailored based on at least one presentation capability of the wireless handset. Instead, the Examiner has relied on Gourraud for this element.

However, Gourraud does not disclose this element either. Gourraud discloses presenting a set of *programs* on a terminal, not a set of available *transmission modes*. In paragraph 32 of Gourraud, a set of *program* choices is presented on the terminal, but the *transmission mode* (RTP protocol) used to stream the program toward the terminal is not from a set of choices presented on the terminal. In paragraph 38, the communication parameters used for transmission are negotiated *after* the programs are selected. Moreover, in neither of the paragraphs is the set of choices based on a presentation capability of the terminal. Thus, Gourraud does not disclose a set of choices indicating available transmission modes for streaming media to the wireless handset, wherein the available transmission modes are based on a presentation capability of the wireless handset.

Accordingly, Applicant submits that claim 18 is allowable over Mosher and Gourraud for at least the foregoing reasons.

c. Claims 19-21

Of these claims, claim 19 is independent. The Examiner has rejected claim 19 under § 103(a) as being unpatentable over Mosher in view of Gourraud. In response, Applicant submits

that this rejection is improper and should be withdrawn because the Mosher/Gourraud combination does not teach each and every element in claim 19, as set forth below.

Claim 19 recites, *inter alia*, “transmission-choice logic stored in the data storage and executable by the processor ... (i) to send to the wireless handset a set of choices indicating transmission modes available for streaming the media content to the wireless handset, wherein the set of choices indicating available transmission modes is based, at least in part, on a presentation capability of the wireless handset.” As noted above for claim 1, the Examiner has acknowledged that Mosher does not disclose a set of choices tailored based on at least one presentation capability of the wireless handset. Instead, the Examiner has relied on Gourraud for this element.

However, Gourraud does not disclose this element either. Gourraud discloses presenting a set of *programs* on a terminal, not a set of available *transmission modes*. In paragraph 32 of Gourraud, a set of *program* choices is sent to the terminal, but the *transmission mode* (RTP protocol) used to stream the program toward the terminal is not from a set of choices sent to the terminal. In paragraph 38, the communication parameters used for transmission are negotiated *after* the programs are selected. Moreover, in neither of the paragraphs is the set of choices based on a presentation capability of the terminal. Thus, Gourraud does not disclose a set of choices indicating transmission modes for streaming media content to the wireless handset, wherein the set of choices indicating available transmission modes is based on a presentation capability of the wireless handset.

Accordingly, Applicant submits that claim 19 is allowable over Mosher and Gourraud for at least the foregoing reasons. Applicant further submits that claims 20 and 21 are allowable for at least the reason that they depend from an allowable claim.

d. Claims 22, 24, and 25

Of these claims, claim 22 is independent. The Examiner has rejected claim 22 under § 103(a) as being unpatentable over Mosher in view of Gourraud. In response, Applicant has amended claim 22 to specify that “the list of permissible transmission modes is tailored to the presentation capabilities of the wireless handset.” Applicant submits that amended claim 22 is clearly allowable over the Mosher/Gourraud combination, as set forth below.

Amended claim 22 recites, *inter alia*, “providing the user with the list of permissible transmission modes for the selected media content choice, wherein the list of permissible transmission modes is tailored to the presentation capabilities of the wireless handset.” In rejecting claim 23 (now canceled), the Examiner argued that Gourraud discloses tailoring the list of permissible transmission modes to the presentation capabilities of the wireless handset, specifically citing to paragraphs 32 and 38.

In fact, however, Gourraud does not disclose a list of permissible transmissions that is tailored to the presentation capabilities of the wireless handset. In paragraph 32 of Gourraud, a list of *programs*, not permissible *transmission modes*, is provided to the user. The *transmission mode* (RTP protocol) used to stream the program toward the terminal is not from a list provided to the user. In paragraph 38, the communication parameters to be used for transmission are negotiated *after* the programs are selected. Thus, a list of permissible transmission modes is not provided to the user. Further, in neither of these paragraphs is the list provided to the user *tailored* to the presentation capabilities of the terminal. Thus, Gourraud does not disclose providing the user with a list of permissible transmission modes, wherein the list of permissible transmission modes is tailored to the presentation capabilities of the wireless handset.

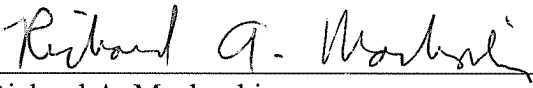
Accordingly, Applicant submits that claim 22 is allowable over Mosher and Gourraud for at least the foregoing reasons. Applicant further submits that claims 24 and 25 are allowable for at least the reason that they depend from an allowable claim.

4. **Conclusion**

Applicant submits that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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